

REMARKS

OVERVIEW

This amendment accompanies a Request for Continued Examination. Claims 1-15 are pending in this application. Claims 1, 5 and 11 have been amended. Claims 12-15 are new. The present response is an earnest effort to place the present application in proper form for allowance.

ISSUES UNDER 35 U.S.C. § 112

Claims 1-10 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner indicates that "the original specification fails to teach an upper portion fully protecting a golf club. It seems that Fig. 1 show a portion of the club that is not protected. This is a new matter rejection." The Examiner is correct in that the original specification does not teach an upper portion fully protecting a golf club. However, that is not what is claimed. The claims refer to "fully protecting" the "head" of the golf club and that is shown. It is further noted that, perhaps the Examiner sees that a small portion of the heel of the golf club is not protected in Figure 1, however, in Figure 1, as the arrow indicates, the golf club head is being inserted (column 4, lines 9-12). As shown in Figure 2, for instance, the golf club head is fully protected. Therefore, it is respectfully submitted that these rejections should appropriately be withdrawn.

Claims 1-10 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner asks whether the invention is a cover or a cover/club head combination (Office Action, page 2, numbered paragraph 2). The invention is a club head cover. There is language in the claims to refer to parts of the club in

order to functionally define the structure of the invention. The claims have been amended for clarification purposes.

ISSUES UNDER 35 U.S.C. § 102

Claims 1-4 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,547,193 to Sander. Claim 1 now requires that the protective cover be "integral" which is not disclosed by Sander. Rather, Sander discloses a two-piece cover. Therefore it is respectfully submitted that this rejection to claim 1 should be withdrawn. As claims 2-4 depend from claim 1, it is respectfully submitted that these rejections should also be withdrawn.

Claim 11 has been rejected under 35 U.S.C. § 102(b) as being anticipated by either U.S. Patent No. 5,944,081 to Aldcroft or U.S. Patent No. 4,213,614 to Philippi, or U.S. Patent No. 2,035,529 to Bucklin. First, it is noted that claim 11 now requires that "the upper portion adapted for fully protecting the head of the club". It is respectfully submitted that Philippi does not disclose this limitation, therefore this rejection to claim 11 should be withdrawn. It is also noted that claim 11 now requires "the clip orientated to provide an opening towards a heel end of the protective pocket". Therefore, it is respectfully submitted that the rejection based on Alcroft should be withdrawn. In addition, claim 11 now requires that the clip is "disposed within the lower portion". Therefore, it is respectfully submitted that the rejection based on the Bucklin reference should be withdrawn. Therefore it is respectfully submitted that all rejections to claim 11 should appropriately be withdrawn.

ISSUES UNDER 35 U.S.C. § 103

Claims 1-6 and 8-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,898,222 to Gaffney in view of U.S. Patent No. 5,547,193 to Sander.

First, Gaffney does not disclose "an integral protective cover having an upper portion for fully protecting the head". Referring to Gaffney, note that Gaffney discloses an L-shaped boot (Abstract). Claim 1 has been amended to recite additional structure in the Applicant's claimed invention. Claim 1 requires "the upper portion for enclosing the head and without an opening for insertion or removal of the head except through the lower portion." Referring to Gaffney, there is an opening 20 that is in the upper portion of the cover. In the Applicant's invention, see e.g. Figures 1-2, 6-8, the opening for accepting the club head is in the lower portion and not the upper portion. Therefore, it is respectfully submitted that neither Gaffney nor Sander alone or in combination provide this structure where the golf club head is protected by the upper portion of the protective cover, but the golf club head is not inserted or removed through an opening in the upper portion, but rather through the opening in the lower portion. Therefore, it is respectfully submitted that this rejection to claim 1 should be withdrawn. As claims 2-4 depend from claim 1, it is respectfully submitted these rejections should also be withdrawn.

With respect to claim 5, claim 5 now requires that "the protective pocket having no opening for inserting the head of the golf club except through the partially open collar." It is respectfully submitted that Gaffney does not disclose this limitation because Gaffney has an opening within the protective pocket. Further, Sander does not disclose this limitation because the head of the golf club is not inserted through the partially open collar of Sander. Therefore, it is respectfully submitted that this rejection to claim 5 should be withdrawn. As claims 6-10 depend from claim 5 it is respectfully submitted that these rejections should also be withdrawn.

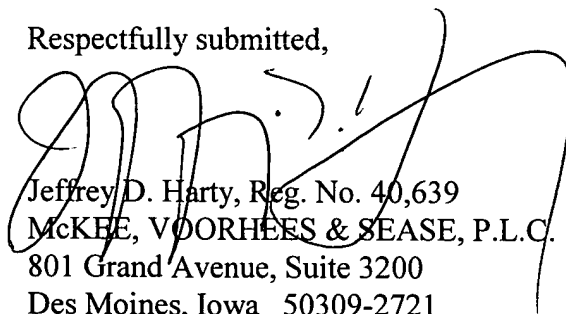
NEW CLAIMS

Claims 12-15 are new. Claim 12 is similar in scope to previous claim 1, but does not require the clip. Claim 12 does, however, require "the upper portion for enclosing the club head without an opening for insertion or removal of the club head except through the lower portion." Claims 13 and 14 are related to the clip and claim 15 is related to the type of club that the club head cover is adapted to protect. Therefore, it is submitted that these claims are well supported within the specification as originally filed, including as clearly can be seen from Figures 1, 2, and 5-8.

Therefore, it is respectfully submitted that all claims in proper form for allowance. Reconsideration and passage to issuance are respectfully requested. This amendment accompanies the filing of a Request for Continued Examination. In addition to the cost of the Request for Continued Examination, please charge Deposit Account 26-0084 for the one additional independent claim over 3. No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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